Vandergriff et al v. Clermont County Public Library Board of Trustees Doc. 16

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GEORGE VANDERGRIFF, et al.	:	
	:	Case No. 1:08-cv-381
Plaintiff(s)	:	
	:	Judge Michael R. Barrett
v.	:	
	:	**JOINT DISCOVERY PLAN**
CLERMONT COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES,	:	(RULE 26(f) REPORT)
	:	(REQUIRED FORM)
Defendant(s)	:	

Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the Court this Joint Discovery Plan, pursuant to the Court's Trial Procedure Order. The parties conducted their discovery conference on August 7, 2008.

A. MAGISTRATE CONSENT

The Parties:

☐ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).

☑ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).

☐ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c), for trial purposes only, in the event that the District Judge assigned is unavailable on the date set for trial (e.g. because of other trial settings, civil or criminal).

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B. RULE 26(a) DISCLOSURES

☐ The parties have exchanged pre-discovery disclosures required by Rule 26(a)(1).

☑ The parties will exchange such disclosures by August 28, 2008

☐ The parties are exempt from disclosures under Rule 26(a)(1)(E).

NOTE: Rule 26(a) disclosures are not to be filed with the Court.

C. DISCOVERY ISSUES AND DATES

1. Discovery will need to be conducted on the issues of

   Plaintiffs intend to conduct discovery on the Library's policies and practices

   concerning the use of library meeting rooms and, more broadly, their claims for declaratory and injunctive relief, and damages. Defendant's position is that all issues are moot except for damages.

2. The parties recommend that discovery

   ☑ need not be bifurcated

   ☐ should be bifurcated between liability and damages

   ☐ should be bifurcated between factual and expert

   ☐ should be limited in some fashion or focused upon particular issues which relate to ______

3. Disclosure and report of Plaintiff(s) expert(s) by October 15, 2008

4. Disclosure and report of Defendant(s) expert(s) by January 15, 2009

5. Disclosure and report of rebuttal expert(s) by February 27, 2009

6. Disclosure of non-expert (fact) witnesses October 1, 2008

7. Discovery cutoff March 31, 2009

8. Anticipated discovery problems

   ☐ ______

   ☑ None

D. LIMITATIONS ON DISCOVERY

1. Changes in the limitations on discovery

☐ Extension of time limitations (currently one day of seven hours) in taking of depositions to __________________.

☐ Extension of number of depositions (currently 10) permitted to __________.

☐ Extension of number of interrogatories (currently 25) to ________________.

☐ Other: ____.

☑ None

E. PROTECTIVE ORDER

☐ A protective order will likely be submitted to the Court on or before _______________.

☑ The parties currently do not anticipate the need for a protective order. If the parties subsequently deem that one is necessary, they will submit a joint proposed order to the Court. Such order will be in compliance with *Procter & Gamble Co. v. Bankers Trust Co.,* 78 F. 3d 219 (6th Cir. 1996).

F. SETTLEMENT

A settlement demand ☐ has ☑ has not been made.

A response ☐ has ☐ has not been made.

A demand can be made by August 22, 2008

A response can be made by September 5, 2008

G. MOTION DEADLINES

1. Motion to amend the pleadings and/or add parties by November 3, 2008
2. Motions relative to the pleadings by December 1, 2008
3. Dispositive motions by May 1, 2009

H. OTHER MATTERS PERTINENT TO MANAGEMENT OF THIS LITIGATION

None.

Signatures:

/s/ David R. Langdon
Attorney for Plaintiff(s)

/s/ Mary Lynne Birck (by DRL, w/ authorization)
Attorney for Defendant(s)

Attorney for ___________

Attorney for Defendant(s)

Attorney for ___________

Attorney for ___________